

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

July 1, 2002

- C032730 THE PEOPLE v. HAYES (Not for Publication)**
The finding that defendant's 1982 Nevada robbery conviction constitutes a strike is reversed. The sentence is vacated, and the matter is remanded to the trial court for retrial of the prior serious felony enhancement and strike allegation pertaining to the robbery conviction and for resentencing. On resentencing, the court is directed to stay imposition of sentence on the burglary count. In all other respects, the judgment is affirmed.
RAYE, J.
We concur: Scotland, P.J.
 Nicholson, J.
- C039700 THE PEOPLE v. KILPATRICK (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
 Hull, J.
- C035718 WHEATLAND FARMS, LLC v. CONGRA INC. (Not for Publication)**
The order awarding attorney fees is reversed, and the matter remanded to the trial court for further proceedings consistent with this opinion. Defendant shall recover its costs on appeal.
KOLKEY, J.
We concur: Morrison, Acting P.J.
 Robie, J.
- C041091 CALIFORNIA CONSUMER HEALTH CARE COUNCIL, INC. v. CALIFORNIA DEPARTMENT OF MANAGED HEALTH CARE et al. (Not for Publication)**
BY THE COURT:
Appellant's petition for rehearing is granted. The dismissal filed on June 4, 2002, is vacated and the appeal is reinstated.
The Sacramento County Clerk is authorized to accept appellants' designation of the record if presented on or before July 10, 2002, and to proceed with preparation of the record in accordance with the California Rules of Court.
SCOTLAND, P.J.

2

Robie, J.

**COURT OF APPEAL
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THIRD APPELLATE DISTRICT**

3

The Minutes

July 3, 2002, continued

- C040400 PEOPLE v. THOMAS (Not for Publication)**
The judgment is modified to include a \$50 state penalty assessment and a \$35 county penalty assessment. The trial court is directed to correct the abstract of judgment to show the criminal laboratory analysis fee and the related penalty assessments and to forward a certified copy of the corrected abstract to the Department of Corrections. As modified, the judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
 Raye, J.
- C035149 MEAD v. DICKINSON (Not for Publication)**
The judgment is reversed. The parties shall bear their own costs on appeal.
KOLKEY, J.
We concur: Nicholson, Acting P.J.
 Hull, J.

July 4, 2002

There were no minutes for this date.

July 5, 2002

- C033334 THE PEOPLE v. FOGLE et al. (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We concur: Morrison, J.
 Hull, J.
- C038614 THE PEOPLE v. FULKERSON (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

July 5, 2002, continued

- C039232 THE PEOPLE v. AMUNDSON (Not for Publication)**
The trial court is directed to correct the transcribed minutes of the sentencing hearing and the abstract of judgment to reflect imposition of the laboratory analysis fee of \$50, the drug program fee of \$150, and the AIDS education program fee of \$70 pursuant to subdivision (c) of section 11377. The judgment is modified to reflect imposition of penalty assessments of \$459. The trial court is further directed to amend the abstract of judgment to include the penalty assessments and to forward a certified copy of the abstract as amended and corrected to the Department of Corrections. As modified and corrected, the judgment is affirmed.
RAYE, J.
We concur: Scotland, P.J.
Robie, J.
- C039366 THE PEOPLE v. McKINNEY (Not for Publication)**
The judgment (order granting probation) is affirmed.
SIMS, J.
We concur: Scotland, P.J.
Hull, J.